

**REMARKS**

The Examiner has restricted the claims into the following Groups:

Group I: Claims 63-69 and 72-74, drawn to an antibody to a polypeptide of amino acid sequence set forth in SEQ ID NO: 2; and

Group II: claims 70-71, drawn to a method of treatment by administering an antibody to a polypeptide of amino acid sequence set forth in SEQ ID NO: 2

Applicants provisionally elect, with traverse, Group I for prosecution in the present application.

Applicants traverse the Restriction Requirement on the grounds that examining all of the pending claims presents no undue burden on the Examiner. According to MPEP § 803, “if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions.”

Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims. Applicants also reserve the right to appeal the restriction requirement to the Commissioner if the requirement is made final in a subsequent Office Action.

### CONCLUSION

The pending claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions concerning this application, Examiner Mertz is invited to contact the undersigned at the number listed below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/6/05

By Eve L

FOLEY & LARDNER LLP  
Customer Number: 22428

**22428**

PATENT TRADEMARK OFFICE

Telephone: (202) 945-6142  
Facsimile: (202) 672-5399

Eve L. Frank  
Attorney for Applicants  
Registration 46,785